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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,782

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Ian McDowall

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10/15/2008

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Attn: Patent Docket Clerk

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EXAMINER

HUSSAIN, IMAD

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,782	<b>Applicant(s)</b> MCDOWALL ET AL.	
	<b>Examiner</b> IMAD HUSSAIN	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 September 2008 has been entered.
2. Applicant's amendment dated 30 July 2008 has been received and made of record.
3. Claims 1, 9, 12 and 20 have been amended. Claims 1-22 are pending in Application 10/559782.

### ***Response to Arguments***

4. Applicant's arguments, see Pages 10-12 of Applicant's remarks, filed 30 July 2008, with respect to the rejection(s) of claim(s) 1-22 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Srinivasan, Bernardin, IBM, Weschler/Bugbee* and *Garfinkle/Hillerbrand*.

Applicant also argues that the phrase "uniquely identifies the service" in claims 1 and 12 (per last paragraph of page 9 of Applicant's Remarks dated 30 July 2008) means

Art Unit: 2151

“uniquely identifies the *instance* of the set of functionality”.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *instance* of the service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The accepted meaning of the phrase in question is “uniquely identifies the set of functionality.”

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 12 recite “a structured naming convention that both uniquely identifies the service itself and uniquely identifies the service as a service from a particular vendor”.

The disclosed invention (e.g., originally filed Claim 12) was originally drawn to “a

Art Unit: 2151

structured naming convention that uniquely identifies the service as a service from a particular vendor”, but not to one that uniquely identifies the service *instance* uniquely (as argued in the last paragraph of page 9 of Applicant’s Remarks dated 30 July 2008). The disclosure lacks support for the structured naming convention uniquely identifying the service instance *itself*.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-8, 10, 12-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raj Srinivasan (*RFC 1833: Binding Protocols for ONC RPC Version 2*, hereinafter *Srinivasan*) in view of James Bernardin et al. (US 2005/0021594 A1, hereinafter *Bernardin*) and in further view of IBM TDB (*Remote propagation of Activity Service customised properties/Customisation of Activity Service use of Property Groups*, hereinafter *IBM*).**

Regarding claims 1 and 12, Srinivasan discloses *a method of (and associated device for) enabling a client, running on a first computing device that is connected to a second computing device, to use a service on that second computing device* [“client” and “remote procedure”, Page 14 Paragraph 1], *comprising the steps of:*

Art Unit: 2151

(a) a service, installed on the second computing device, registering its published name ["RPC program number"] with a service broker ["lookup service"] on that second computing device [Page 2 Paragraph 1];

(b) the client sending a message to the service broker specifying the... service; wherein the published name ["RPC program number" and "version number"] of the service does not include specifying the connection point address of that service [Page 2 Paragraph 1].

Srinivasan does not explicitly disclose that *the service broker starts up the service* or that the client *specifies the name of the service*.

However, Bernardin discloses that *the service broker starts up the service* [Bernardin: Paragraph 0202] and that the client *specifies the name of the service* [Bernardin: Paragraph 0014].

Srinivasan and Bernardin are analogous art in the same field of endeavor as both deal with service registration. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the automatic process startup of Bernardin for automatically starting processes in the system of Srinivasan. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan with the automatic process startup of Bernardin because in doing so, the system would allow for starting services on an on-demand basis.

Srinivasan-Bernardin does not disclose that *the published name of the service conforms to a structured naming convention that uniquely identifies the service itself and uniquely identifies the service as a service from a particular vendor*.

Art Unit: 2151

However, IBM teaches that *the published name of the service conforms to a structured naming convention that uniquely identifies the service itself and uniquely identifies the service as a service from a particular vendor* [IBM: Page 2, "The Solution"].

Srinivasan-Bernardin and IBM are analogous art in the same field of endeavor as both deal with network service registrars. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the naming scheme of IBM for service identification in the system of Srinivasan-Bernardin. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan-Bernardin with the naming scheme of IBM because in doing so, the system would allow for identification with greater meaning and uniqueness [IBM: Page 3, "The Solution"].

Regarding claims 2 and 13, Srinivasan-Bernardin-IBM teaches that *the structured naming convention uses reversed domain information* [IBM: Page 3, "The Solution"].

Regarding claims 3 and 14, Srinivasan-Bernardin-IBM teaches that *the service broker uses a single well-known port number address so that the client needs only this well known port number to send a message to the service broker* [Srinivasan: "well-known because it uses a fixed transport selector", "port 111 over TCP and UDP", Page 2 Paragraphs 1 and 3].

Regarding claims 4 and 15, Srinivasan-Bernardin-IBM teaches that *the service obtains a connection point and informs the service broker of the connection point address and*

Art Unit: 2151

*the service broker then informs the client of the connection point address* [Srinivasan: Page 2 Paragraph 1].

Regarding claims 5 and 16, Srinivasan-Bernardin-IBM teaches that *the service broker informs the client of the connection point address and the client then uses that address in communicating directly with the server* [Srinivasan: Page 2 Paragraph 1].

Regarding claims 6 and 17, Srinivasan-Bernardin-IBM teaches that *the connection point address is a port number* [Srinivasan: Page 11 Paragraph 5 (Port Mapper Program Protocol) and Page 13 Paragraph 6 (PMAPPROC\_GETPORT)].

Regarding claims 7 and 18, Srinivasan-Bernardin-IBM teaches that *if a service is required more than once, the server providing the service will not be re-started, but instead the service broker uses cached address information* [Srinivasan: Page 9 Paragraphs 2-4 (the registration remains set until the program becomes unavailable)].

Regarding claims 8 and 19, Srinivasan-Bernardin-IBM teaches that *when services register with the service broker, they register a version number to 'indicate the version of the service that they are providing* [Srinivasan: Page 13 Paragraph 4 (PMAPPROC\_SET)].



Art Unit: 2151

Regarding claims 10 and 21, Srinivasan-Bernardin-IBM teaches that *the service broker enables multiple services* [Srinivasan: “remote programs”, Page 2 Paragraph 2] *installed on a single, second computing device* [Srinivasan: “resides at the same network address”, Page 2 Paragraph 1] *to serve one or more external clients that are computers connected by a remote link such as a network data connection.* [Srinivasan: “transport” Page 2 Paragraph 1].

**9. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, Bernardin and IBM as applied to claims 1 and 12 in further view of Paul Weschler (US 6842903 B1, hereinafter *Weschler*).**

Regarding claims 9 and 20, Srinivasan-Bernardin-IBM teaches that *the client can request a specific version of a named service* [Srinivasan: Page 13 Paragraph 6 (PMAPPROC\_GETPORT)].

Srinivasan-Bernardin-IBM does not explicitly disclose that the *highest version available of the named service* is selected *in a case where a version number is omitted by the client.*

However, Weschler teaches that the *highest version available of the named service* is selected *in a case where a version number is omitted by the client* [Weschler: Column 9 Lines 7-12].

Srinivasan-Bernardin-IBM and Bugbee are analogous art in the same field of endeavor as both deal with service systems. It would have been obvious to a person

Art Unit: 2151

having ordinary skill in the art at the time the invention was made to utilize the default version scheme of Weschler for selecting a version even when one is not explicitly provided in the system of Srinivasan-Bernardin-IBM. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan-Bernardin-IBM with the default scheme of Weschler because in doing so, the system would allow for the services to function even when a particular version is not explicitly requested.

**10. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, Bernardin and IBM as applied to claims 1 and 12 in further view of Kenneth J. Bugbee (US 6289392 B1, hereinafter *Bugbee*).**

Regarding claims 9 and 20, Srinivasan-Bernardin-IBM teaches that *the client can request a specific version of a named service* [Srinivasan: Page 13 Paragraph 6 (PMAPPROC\_GETPORT)].

Srinivasan-Bernardin-IBM does not explicitly disclose that the *highest version available of the named service is selected in a case where a version number is omitted by the client*.

However, Bugbee teaches that the *highest version available of the named service is selected in a case where a version number is omitted by the client* [Bugbee: Column 5 Lines 4-14].

Srinivasan-Bernardin-IBM and Bugbee are analogous art in the same field of endeavor as both deal with service systems. It would have been obvious to a person

Art Unit: 2151

having ordinary skill in the art at the time the invention was made to utilize the default version scheme of Bugbee for selecting a version even when one is not explicitly provided in the system of Srinivasan-Bernardin-IBM. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan-Bernardin-IBM with the default scheme of Bugbee because in doing so, the system would allow for the services to function even when a particular version is not explicitly requested.

**11. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, Bernardin and IBM as applied to claims 1 and 12 in further view of Simson Garfinkel et al (Practical UNIX & Internet Security, hereafter Garfinkel).**

Regarding claims 11 and 22, Srinivasan-Bernardin-IBM teaches that *the service broker provides authentication information such that only authenticated external clients can access services* [Garfinkel: Section 19.2.2 RPC Authentication].

Srinivasan-Bernardin-IBM and Garfinkel are analogous art in the same field of endeavor as both deal with service systems. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the authentication scheme of Garfinkel for limiting access to particular clients even when one is not explicitly provided in the system of Srinivasan-Bernardin-IBM. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan-Bernardin-IBM with the authentication scheme of Garfinkel because in doing so, the system would allow for greater security and increased availability for authorized users.

**12. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, Bernardin and IBM as applied to claims 1 and 12 in further view of Eric T. Hillerbrand et al. (US 2004/0054690 A1, hereafter Hillerbrand).**

Regarding claims 11 and 22, Srinivasan-Bernardin-IBM teaches that *the service broker provides authentication information such that only authenticated external clients can access services* [Hillerbrand: Paragraph 0173].

Srinivasan-Bernardin-IBM and Hillerbrand are analogous art in the same field of endeavor as both deal with service systems. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the authentication scheme of Hillerbrand for limiting access to particular clients even when one is not explicitly provided in the system of Srinivasan-Bernardin-IBM. One of ordinary skill in the art would have been motivated to modify the system of Srinivasan-Bernardin-IBM with the authentication scheme of Hillerbrand because in doing so, the system would allow for greater security and increased availability for authorized users.

### ***Conclusion***

**13. Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

Art Unit: 2151

may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-3628. The examiner can normally be reached on Monday through Friday from 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

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/IH/

Imad Hussain

Examiner, Art Unit 2451

/Salad Abdullahi/

Primary Examiner, Art Unit 2457